

TOWN OF NORTHFIELD, VERMONT
BOARD OF SELECTMEN
Minutes of September 8, 2015

- I. **ROLL CALL.** Chair John Quinn III, Selectmen Lynn Doney, Matthew Gadbois, Kenneth W. Goslant, and K. David Maxwell. Also present were Town Manager Jeffrey Schulz, Acting Clerk Kenneth McCann, Gerard LaVarnway, Nancy LaVarnway, Kevin Crowley, and Kathleen Lott (*Northfield News*).

Chair Quinn called the meeting to order at 7:00 p.m.

- II. **PLEDGE OF ALLEGIANCE.** The Board members and the public were asked to rise and recite the Pledge of Allegiance.
- III. **SET/ADJUST AGENDA.** Manager Schulz suggested that Gerard and Nancy LaVarnway be added at the top of the agenda under "Public Participation."
- IV. **PUBLIC PARTICIPATION (SCHEDULED):**

- a. **Gerard and Nancy LaVarnway: Labor Day Weekend Fireworks Display.** The LaVarnways live at the end of Hill Street next to the Town-owned Cheney Farm property. Mr. LaVarnway reported that the fireworks display last Saturday night, which was a new addition to the annual Labor Day Weekend Festivities and was launched from Cheney Hill Farm, created a number of problems for the residents of his neighborhood. Falling debris and embers threatened to start a fire on his property and created a very frightening situation for him and his wife. They subsequently checked the State of Vermont's Fire Safety website and found there are a number of state regulations that govern fireworks displays. For example, permission for a fireworks display must be approved fifteen (15) days in advance by the local fire and police chiefs. In addition, the display must be conducted by a competent operator with no risk to neighboring properties. Mr. LaVarnway noted that there was not a fire truck on site while the fireworks were being launched and neither was there someone on hand to observe the falling debris and where it was landing. Although the display was conducted from Town-owned property, he felt if it had to be held (despite the very dry conditions), it should have been done on the upper part of Cheney Hill Farm so that there would have been no threat to the neighborhood.

Chair Quinn wanted to emphasize that even though permission to hold the fireworks display was provided by the local police and fire chiefs, the event was organized by Northfield Observances (which oversaw all the holiday weekend activities). In addition, fireworks company North Star donated all event expenses and also provided one of their employees to conduct the display (so no local tax dollars were involved). In the future, Chair Quinn would like to have a firefighter and/or police officer inspect the proposed launching site before the event to ensure that there are no safety concerns.

Manager Schulz concurred and stated that this matter will be investigated further. He believes that the police and fire chiefs did provide their permission based on the understanding that the launching site would be on the upper level of Cheney Hill Farm away from private residences. Selectman Maxwell stated that when Northfield Observances had contacted the Select Board with their initial plans to hold a fireworks display, there had been an assurance that houses in the vicinity would be canvassed with notices far ahead of time. Mr. LaVarnway said that this did not happen.

Nancy LaVarnway said that while the fireworks were being launched, the area around her home became inundated with smoke to the extent that she and her husband were worried that their property and home might catch on fire. She also had moments when she actually feared physical injury to both of them. Ms. LaVarnway felt that this was an inappropriate place to launch fireworks given the close proximity of houses. The LaVarnways spoke to the fireworks operator during the display to inform him of their concerns. However, he refused to stop, saying that he had a legal permit. Ms. LaVarnway would like to know who to contact to stop such a display should a similar situation arise again. If the Select Board does not take some action and/or provide answers on why this happened, the LaVarnways may feel compelled to contact state agencies with their concerns.

Kevin Crowley believes that if any of the Town Selectmen had been present and personally had seen what the LaVarnways were going through, he is sure that the fireworks display would have been stopped immediately. He also believes that if people knew some of the history behind the establishment of the Labor Day holiday (i.e., the 1886 Haymarket Riot), they might agree that a fireworks display probably isn't an appropriate way to celebrate.

Selectman Doney is concerned that the LaVarnways twice contacted the 911 dispatcher but were unable to get any response from the local emergency services. He asked what they told the dispatcher over the phone. Mr. LaVarnway told the dispatcher that a fireworks display was being conducted behind his house and he was concerned that there was fire danger. Not only did no one come to see what was going on but there has been no contact from the local emergency services. Chair Quinn stated that it is especially troubling that calls to 911 did not result in any action. This will be one of the matters that Manager Schulz will be investigating when he looks into this. Selectman Goslant also felt that the recent lack of rain should have been a consideration when granting permission for the fireworks.

Ms. LaVarnway would like to see a response in writing from North Star about what happened before filing a formal letter of complaint to the state. She believes that state regulations were not observed and would like to know who had the local authority to stop this event once there was clear evidence of threat to neighboring properties. Manager Schulz said that he will try to answer these concerns and send out a written communication to the LaVarnways within three (3) business days. Mr. LaVarnway suggested that the permit process should be changed in order to allow input from neighboring property owners. Manager Schulz said that this was a special case since the launch point was Town-owned property. Should Northfield Observances request permission for another fireworks display next year, this will be discussed in a public forum. The Town Selectmen expressed their regrets to the LaVarnways for what happened.

V. APPROVAL OF MINUTES

- a. **August 25, 2015 (Regular Meeting).** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve the minutes. **Motion passed 5-0-0.**

VI. APPROVAL OF BILLS

- a. **Warrant #06-16.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve Warrant #06-16 in the amount of \$1,175,636.51. Chair Quinn noted that of the warrant amount, \$1,031,000 was property taxes collected by the Town and forwarded to the Northfield School District. Selectman Gadbois asked why Northfield was paying property taxes to the Town of Moretown. Selectman Maxwell (a former Village Trustee) said that the Northfield Electric Department had some of its infrastructure located there. Manager Schulz confirmed that Northfield makes similar payments to the Town of Berlin. Selectman Gadbois asked if Myers Container Service was charging the Town for collecting recyclables. Manager Schulz thought that the charge might be for rental of the large recycling bin but will check on this. Selectman Goslant would like something done about the way sewer charges are allocated after the Municipal Pool is closed for the season. Since a fair amount of the pool water evaporates, spills out, etc. over the summer, he does not feel that it is fair or accurate to base the sewer charge on how much water is pumped into the pool during its two (2) months of operation. Selectman Maxwell suggested that a meter could be installed to measure how much water actually is pumped out of the pool at the end of the season. Manager Schulz will look into this. **Motion 5-0-0.**
- b. **Warrant #06-16A.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve Warrant #06-16A in the amount of \$34,902.88. Manager Schulz noted that this warrant covered payments for the interest and/or principal on old loans taken out for the Fairground Road Bridge Replacement Project and for the Road Surface Management System (RSMS) Program. He added that FEMA will reimburse Northfield for most of the bridge project costs. **Motion passed 5-0-0.**

- c. **Approval of Bi-Weekly Payroll through August 30, 2015.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve the bi-weekly payroll in the amount of \$86,069.26. Selectman Gadbois felt that overtime costs for the Northfield Police Department (NPD) still seem high. Manager Schulz said that like the last time this was discussed, Police Chief James Dziobek is having difficulty finding part-time police officers to fill weekend and evening shifts. This means that full-time officers have to work overtime. Chair Quinn suggested that since Chief Dziobek is a salaried employee, perhaps he could work on some of these shifts and save some overtime expense. Selectman Gadbois also noted some overtime expenses for the Water and Sewer Departments; if some of these overtime costs are associated with the water projects, could this expenses be charged to the projects (and not to ratepayers)? Manager Schulz will check on this. Selectman Goslant asked if police officers are required to take part in the Governor's Highway Safety Program. Selectman Doney said that most of them ask to take part in order to make extra money. The state then reimburses the Town for all associated costs. Manager Schulz has mixed feelings about this program since it takes our police officers and vehicles out of town for hours at a time. There also is the concern that the extra work hours might negatively impact the officers' performance during their regular work hours. **Motion passed 5-0-0.**

VII. SELECT BOARD

- a. **Grant Anticipation Note (Fairground Road Bridge Replacement).** Motion by Selectman Gadbois, seconded by Selectman Maxwell, to approve and sign the Grant Anticipation Note in the amount of \$281,596.28 at 1.14% interest; to approve and sign the Grant Anticipation Borrowing Resolution; and to approve and sign the Grant Anticipation Borrowing Tax Certificate. Manager Schulz noted that this payment is in expectation of reimbursement from FEMA. Since the project is complete (except for the one year warranty period), this matter should not come before the Board again. **Motion passed 5-0-0.**
- b. **Bond Anticipation Note (Road Surface Management System).** Motion by Selectman Gadbois, seconded by Selectman Maxwell, to approve and sign the Bond Anticipation Note in the amount of \$150,000 at 1.14% interest; to approve and sign the Bond Anticipation Borrowing Resolution; and to approve and sign the Bond Anticipation Borrowing Tax Certificate. Manager Schulz stated that since this five (5) year note was taken out in 2010, this will be the final payment. **Motion passed 5-0-0.**
- c. **Norwich University Request to Lift Parking Bans for Homecoming and Parent/Family Weekends.** Norwich University (NU) has submitted its annual request that the parking bans on Crescent Avenue and Central Street be lifted during Homecoming and Parent/Family weekends, which will be October 2-4 and October 16-18 (respectively) this year. Motion by Selectman Maxwell, seconded by Selectman Goslant, to approve this request. Selectman Doney is concerned about the amount of congestion on lower Center Street during the football games, which sometimes makes two-way traffic impossible. He would like to amend the motion to require that NU Security have one of their employees in the Plumley Armory parking lot from 7:00 a.m. to one-half hour after the game ends to ensure that this doesn't happen. There was no objection. Selectman Goslant added that the traffic flow on lower Central Street changed considerably after the new parking lot was built. **Motion passed 5-0-0.**
- d. **Michael Zemanek Memorial Foundation Request to Hold Fundraising Footraces.** Motion by Selectman Gadbois, seconded by Selectman Maxwell, to authorize the Michael Zemanek Memorial Foundation to hold a quarter-mile children's fun run and 5k adult footrace along municipal streets on Saturday, September 26, 2015. The first race will start at 10:00 a.m. and the other at 10:30 a.m. Both race routes will begin and finish at Plumley Armory and go up and down Central Street. The adult course will continue on to Wall Street, turn left on Water Street, and the turnaround will be at the bottom of Dole Hill. **Motion passed 5-0-0.**

- e. **Appointment to Fill Vacancy on the Brown Public Library (BPL) Board of Trustees.** The BPL Board of Trustees has been short one member for several months due to resignation. Richard Brockway recently submitted a letter of interest and the BPL Board of Trustees has recommended that the Select Board approve his interim appointment until the next Town Meeting (03/01/16). Motion by Selectman Gadbois, seconded by Selectman Goslant, to appoint Richard Brockway to the BPL Board of Trustees. Selectman Goslant noted that Mr. Brockway is a former Northfield School Board Director and a volunteer for the local Community Emergency Relief Volunteers (CERV). **Motion passed 5-0-0.**
- f. **Approval of Policy for Use of Town Economic Development Funds.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve and sign the policy. Manager Schulz had presented a draft policy at the last meeting (08/25/15) that the Select Board had supported and asked be finalized for formal approval and signature. **Motion passed 5-0-0.**

VIII. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS

- a. **Labor Day Weekend Festivities.** Selectman Gadbois commended the Town employees who helped Friday afternoon and Saturday morning with setting up the Common for the festivities and for getting things back to normal this morning. He also wanted to commend the Northfield Observances board members and their volunteers. Selectman Goslant agreed that they do a good job every year.
- b. **Northfield's Economic Condition.** Selectman Goslant noted that there has not been a lot of good news lately as a couple of restaurants have closed, the Northfield Saving Bank's corporate headquarters is moving to Berlin, and Chouinard's Comfort Clothing is closing its Northfield facility at the end of this October. The only good news seems to be the planned expansion of Cabot Hosiery in the coming year. Chair Quinn stated that the new medical clinic opposite from Norwich University has been another positive development. It is a very impressive facility and well used by NU students, Northfield residents, and people from other communities.

IX. **TOWN MANAGER'S REPORT.** Manager Schulz had nothing to add to his written report.

X. **PUBLIC PARTICIPATION (UNSCHEDULED).** There was none.

XI. **EXECUTIVE SESSION.** Motion by Selectman Maxwell, seconded by Selectman Doney, to go into executive session, in accordance with 1 VSA 313 (a)(1), in order to discuss a contract matter with Manager Schulz present. **Motion passed 5-0-0.**

The Board went into executive session at 8:25 p.m.

Motion by Selectman Goslant, seconded by Selectman Doney, to come out of executive session. **Motion passed 5-0-0.**

The Board came out of executive session at 8:49 p.m. No action was taken.

XII. **ADJOURNMENT.** Motion by Selectman Maxwell, seconded by Selectman Gadbois, to adjourn. **Motion passed 5-0-0.**

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

An audio recording of this meeting is available in the Town Manager's Office.

These minutes were approved at the regular Select Board meeting of September 22, 2015.